IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

WP(C).No. 7198 of 2007(F)

CRA.45/2003 of DISTRICT COURT, ALAPPUZHA
CC.627/1999 of J.M.F.C.-I, CHERTHALA

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PETITIONER:

N.T.SUGUNAN, NIKARTHIL HOUSE,
C.M.C.15, CHERTHALA.

BY ADV. SRI.J.OM PRAKASH

RESPONDENTS:

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1. THE SUB INSPECTOR OF POLICE,
CHERTHALA POLICE STATION.

2. MOHANACHANDRAN, S/O.KARUNAKARA MENON,
KATTIKATTU, SREEKARTHIKA, C.M.C.4, CHERTHALA.

BY GOVERNMENT PLEADER SRI.GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J.

W.P(C).NO.7198 OF 2007

Dated this the 26th day of March, 2007.

JUDGMENT

The petitioner has come to this Court complaining about the failure/omission of the police to execute a warrant issued by the learned Magistrate. The petitioner alleged that he is the complainant and the 2nd respondent is the accused in a prosecution under Section 138 of the N.I Act. Even after the verdict of guilty, conviction and sentence have become final, it was complained that no action has been taken by the police to execute the warrant as directed by the learned Magistrate.

2. When the matter came up for admission on 05.03.2007, relying on the statements made in this Writ Petition, this Court directed that the warrant must be executed and if it is not executed, the officer must appear in person and explain why the warrant is not executed.

3. Today when the matter came up for hearing before this Court the officer is present. The learned Government Pleader submits that the warrant has already been executed. The entire amount has been deposited and there is no warrant pending in this case to execute. The learned counsel for the

petitioner profusely only apologises for the incorrect facts given in the Writ Petition. He submits that only on account of incorrect impression such a Writ Petition happened to be filed. The counsel submits that leniency may be shown to the petitioner. The counsel partly owns responsibility of the incorrect details which have been included in the Writ Petition.

4. I am, in these circumstances, satisfied that this Writ Petition now only deserves to be dismissed. But the displeasure of this Court against the petitioner's conduct of filing such a petition carelessly without proper application of mind, must be expressed in the form of an order directing payment of cost.

5. This Writ Petition is, in these circumstances, dismissed. But the petitioner is directed to deposit cost of Rs.500/- (Rupees Five hundred only) before the learned Magistrate for payment to the State. The amount in deposit shall be released to the petitioner by the learned Magistrate only after the said amount is deposited.

R.BASANT
JUDGE

rtr/